

REMARKS

Election of Species Requirement

The Office has set forth an election of species requirement. In particular, the Office requires Applicants to elect one of the following client protein species:

- (I) tyrosine kinase p185erbB2,
- (II) tyrosine kinase p60v-src,
- (III) serine/threonine kinase Raf-1
- (IV) mutated p53,
- (V) hepatitis B virus reverse transcriptase,
- (VI) steroid hormone receptor, or
- (VII) Hsf-1.

The Office further requires an election of one of the following interaction site species:

- (A) an *in vivo* interaction site, or
- (B) an *ex vivo* interaction site.

With respect to generic claims, the Office contends that claims 1-7, 12-15, 22 and 23 are generic for client protein species, whereas claims 1-21 are generic for interaction site species. Furthermore, the Office indicates that, upon the allowance of a generic claim, claims directed to additional species, which are written in dependent form or which otherwise include all of the limitations of an allowed generic claim, will be entitled to examination in the application.

Election in Response to the Lack of Unity of Invention

Applicants hereby elect, with traverse, the claims of species (I), namely as indicated in the Office Action, claims 8 and 9 are specific for species (I) and claim 22 is specific for species (A), whereas claims 1-7, 12-15, 22 and 23 are generic to species (I) and claims 1-21 are generic to the species (A).

Discussion of the Lack of Unity of Invention

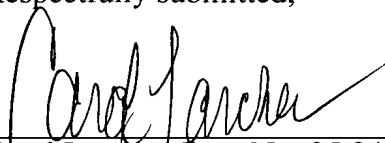
As set forth in M.P.E.P. § 803.02, unity of invention exists if all species recited in a claim show a common utility and a substantial structural feature essential to that utility. In this regard, Applicants submit that the focus of the Office is misplaced. All of the pending claims are directed to the use of coumarin (or a derivative thereof) to bind to a chaperone

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protein, whereupon the binding of the chaperone protein to its client protein/polypeptide is inhibited. Therefore, it is Applicants' position that focus should be placed on the chaperone protein -- not the client protein/polypeptide. A common utility for inhibiting binding between a chaperone protein and its client protein/polypeptide is the inhibition of cellular proliferation. Likewise, a substantial structural feature of the species of chaperone protein essential to that utility is the ability to bind to coumarin or a derivative thereof. In view of the foregoing, Applicants respectfully submit that unity of invention exists. The unity of invention is not diminished by distinguishing between *in vivo* and *ex vivo* applications of the claimed method.

Therefore, Applicants submit that the requirement for election of species is improper. Accordingly, Applicants request the withdrawal of the requirement for election of species.

Respectfully submitted,



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